

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
)
) MDL No. 1456

) CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

)
) Judge Patti B. Saris
)

**PLAINTIFFS' MOTION TO FILE A SURREPLY IN OPPOSITION TO SUFFOLK
COUNTY'S REPLY ON MOTION RESPECTING COORDINATING DISCOVERY**

Pursuant to Local Rule 7.1(B)(3), plaintiffs request leave to file a surreply to Suffolk County's reply memorandum motion respecting coordinating discovery. Suffolk County in its opening "Motion Respecting Coordinating Discovery" sought no specific relief. It did not conduct any pre-filing discovery conference so it was a bit difficult to determine what exactly Suffolk wanted by way of relief.

Without seeking leave of the Court, Suffolk County has now filed a reply in which it for the first time specifies the relief it seeks: the creation of a document depository financed solely by liaison counsel. Such a request would cost millions of dollars and would greatly increase the costs of the litigation. Assuming the Court accepts Suffolk's authorized reply, plaintiffs respectfully submit that a surreply is appropriate to address Suffolk's proposed relief, as well as the many serious inaccuracies in its moving papers.

DATED: May 26, 2004.

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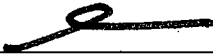
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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' MOTION TO FILE A SURREPLY IN OPPOSITION TO SUFFOLK COUNTY'S REPLY ON MOTION RESPECTING COORDINATING DISCOVERY** to be served on all counsel of record electronically on May 26, 2004, pursuant to Section D of Case Management Order No. 2.



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